

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

MICHELE L. LIZZIO,

Plaintiff,

vs.

GMRI, INC. D/B/A LONGHORN  
STEAKHOUSE,

Defendant.

Civil Action No. 3:18-cv-592

**JOINT MOTION TO STAY ALL  
PROCEEDINGS**

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Plaintiff, Michele L. Lizzio, and Defendant, GMRI, Inc. d/b/a LongHorn Steakhouse (Defendant or GMRI), jointly move this Court pursuant to the Federal Arbitration Act, 9 U.S.C. § 3, for an order staying all proceedings pending binding arbitration of Plaintiff's claim. In support thereof, the parties state as follows:

1. Plaintiff voluntarily entered into a valid and enforceable written arbitration agreement with Defendant. *See* Plaintiff's Dispute Resolution Process Acknowledgment and DRP Booklet attached as **Exhibit A**; Electronic Acknowledgement Record attached as **Exhibit B**; 2014 DRP Booklet attached as **Exhibit C**. The arbitration provision broadly applies to "all employment-related disputes or claims brought by the Employee against the Company or the Company against the employee," and expressly identifies claims that arise under the "Americans with Disabilities Act" as an example of a covered claim. *See* Ex. A; *see also* Ex. C.

2. On November 7, 2018, Plaintiff filed a one-count Complaint against Defendant under the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* ("ADA") alleging that Defendant discriminated and retaliated against her due to her disability during her employment.

See Dkt. No. 1. Plaintiff's claim falls squarely within the parties' agreement to arbitrate. See Ex. A; *see also* Ex. C.

3. Plaintiff has agreed to submit her claim against Defendant to binding arbitration in accordance with the terms of the arbitration provision. Accordingly, the parties respectfully request that the Court stay this matter pending arbitration of all claims. See 9 U.S.C. § 3.

WHEREFORE, Plaintiff and Defendant jointly respectfully request that this Court enter an Order staying all proceedings pending completion of arbitration of all claims.

Respectfully submitted,

/s/ Eric Spengler

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## **CERTIFICATE OF SERVICE**

I hereby certify that on January 4, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to the following counsel of record:

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